

Commercial Motor Vehicle Enforcement Quarterly

April 2007



Captain's Corner

Captain Robert R. Powers, Jr.

2007 is certainly off to a busy start and I have several important items to write about in this issue of the CMV Quarterly.

First, I want to announce the winners of the 2006 Michigan Association of Chiefs of Police (MACP) Award for Excellence in Commercial Vehicle Safety.

1 - 10 Officers:	Village of Oxford Police Department
11 - 35 Officers:	Centerline Public Safety
36 + Officers:	Dearborn Police Department
Sheriff Office:	Wayne County Sheriff's Office
State Police Post:	Metro South Post

Each winning agency received a plaque and equipment valued at \$6,000.

Information and nomination forms for the 2007 Awards can be found on the MACP website: www.michiganpolicechiefs.org.

I also want to announce that on February 16, 2007, 9 new Motor Carrier Officers were sworn in upon graduation from the 16th Motor Carrier Recruit School. The new officers and their post assignments are:

Ofcr. James E. Hutchinson	Monroe Post
Ofcr. Matthew J. Kalakay	Monroe Post
Ofcr. Mickey D. Parling	Monroe Post
Ofcr. Matthew J. Peiffer	Monroe Post
Ofcr. Eric J. Shumaker	Richmond Post
Ofcr. Andrew A. Adamczyk	Bridgman Post
Ofcr. Joey P. Renaud	Bridgman Post
Ofcr. Ruben S. Rodriguez	Bridgman Post
Ofcr. Brian A. Wazny	Bridgman Post

Crash rates involving large trucks continued to decline in Michigan last year. Statistics just released showed that between 2005 and 2006, the total number of crashes involving a commercial motor vehicle decreased from 15,641 to 13,069,

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while the number of fatal crashes also decreased from 122 to 119. While this is great news and everyone involved in commercial vehicle safety is to be congratulated for helping to make such an incredible difference, we must continue to strive for more enhancements to safety on our highways.

Finally, I want to announce that the Motor Carrier Division and the State Police Traffic Safety Section have merged, creating a new division within the Michigan State Police - ***The Traffic Safety Division***. I will command the new division. Combining all State Police traffic safety and enforcement functions under one command will create efficiencies and synergies that should enhance traffic safety throughout Michigan. So the next time you attempt to call someone at the Motor Carrier Division and we answer, "***Traffic Safety Division***," don't hang up - you did not dial the wrong number. Our contact information (phone, fax, e-mail, address) have not changed.

Special Edition

Michigan Intrastate Motor Carrier Identification Program

Background

In 2006, one hundred and thirty six persons were killed in Michigan traffic crashes where a commercial motor vehicle was involved. Crashes involving large vehicles routinely result in higher percentages of serious injuries and damage. As law enforcement officers arriving on the scene of a commercial vehicle crash one thing comes to mind; fatalities. Michigan has the obligation to protect the motoring public by reducing serious and fatal traffic crashes involving large vehicles.

In 1990, Michigan adopted the Federal Motor Carrier Safety Regulations (FMCSR) into state law (Act 181 PA 1963.) Adoption of the FMCSRs essentially required intrastate carriers to comply with the same operational requirements as interstate carriers, including the requirement to obtain and display a United States Department of Transportation (USDOT) number. Until recently, the technology did not exist to issue USDOT numbers to intrastate carriers. Technological advances now make implementing an intrastate identification program possible.

The Intrastate Motor Carrier Identification Program builds on Michigan's continuous efforts to reduce serious and fatal traffic crashes involving commercial motor vehicles. This is accomplished in part by providing accurate data regarding Michigan motor carriers in an effort to identify safety concerns or emerging trends. In 2006 nearly 74% of all truck-related fatalities in Michigan involved carriers domiciled in Michigan. The Motor Carrier Identification Program will assist law enforcement agencies to more effectively deploy their commercial vehicle enforcement resources in an attempt to reduce commercial vehicle related crashes. The enhanced data will also be available for program planning, development and evaluation purposes.

Who Must Obtain a USDOT Number?

Anyone who operates a Commercial Motor Vehicle in intrastate commerce as defined below must obtain a Michigan USDOT number.

"Commercial Motor Vehicle" MEANS ANY SELF-PROPELLED OR TOWED MOTOR VEHICLE USED ON A HIGHWAY IN COMMERCE AS DEFINED IN (CFR 49, Part 390.5) WHEN THE VEHICLE:

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Suggestions or comments should be submitted to Lt. David Ford, 517-336-6449, Fax 517-333-4414, email forddw@michigan.gov

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Special Edition Continued

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 lbs. or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation; or
- Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 51 transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter 1, subchapter C.

The term "Commercial Motor Vehicle" includes anyone who operates one of the above mentioned vehicles. Examples include, but are not limited to: private and for-hire companies, farm operations, construction companies, plumbers, church buses, limousines, and landscapers. This term does not apply to recreational and personal use vehicles.

Vehicle Marking Requirements

After receiving a USDOT number, carriers and owners of commercial motor vehicles are required to clearly display the number and legal name of the person or company on their vehicle. Both the Michigan Vehicle Code (MCL 257.723) and the FMCSRs (Part 390.21) have vehicle marking requirements. However, if the vehicle marking requirements of the FMCSRs are met, then a carrier/owner is considered to be in compliance with the Michigan Vehicle Code requirements.

Every self-propelled commercial motor vehicle must display the following information (CFR 49, part 390.21):

- The legal name or a single trade name of the motor carrier operating the CMV, as listed on the carrier identification report (Form MCS-150);
- The motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT";
- Marking/Identification shall appear on both sides of the commercial motor vehicle;
 - Lettering shall contrast sharply in color with the background on which the letters are placed;
 - Be readily legible, during daylight hours, from a distance of 50 feet while the CMV is stationary;
 - Marking may be decals, painted, or may consist of a removable device, and kept and maintained in a legible manner.

Are There Any Exemptions?

Under the Michigan Vehicle Code, MCL 257.723, vehicle markings are not required for a vehicle eligible for and displaying a farm or manufacturer license plate. The vehicle must have a gross vehicle weight of less than 10,000 pounds and be involved in intrastate operations only.

How is a USDOT Number Obtained?

Carriers and/or owners of commercial motor vehicles may quickly and easily obtain a USDOT number by completing an on-line application. To start the registration process, select the "FMCSA Registration & Updates" link at <http://www.safersys.org>. Applicants seeking assistance may also contact the Michigan State Police Traffic Safety Division toll-free at (888) 464-8736.

There is no cost to obtain a USDOT number. Michigan based carriers who already possess an interstate USDOT number do not need to obtain an intrastate USDOT number.

When will Enforcement Begin?

The Intrastate Motor Carrier Identification program will be phased in over a two-year period. This will allow owners and operators of CMVs the opportunity to learn about and comply with the requirements of this new program. Carriers/owners of CMVs must obtain a Michigan Intrastate USDOT by January 1, 2008. They must have the USDOT number displayed on their vehicle by January 1, 2009.

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Officers from the Michigan State Police will start enforcing the USDOT number requirements **January 1, 2008**. At that time all intrastate carriers/owners must have an assigned USDOT number and have the number available in the vehicle for inspection.

The Michigan State Police Traffic Safety Division will **not enforce the vehicle marking requirements until January 1, 2009**. While the USDOT number must be obtained prior to January 1, 2008, carriers/owners will be allowed 1 year to display the number on their vehicle(s).

Inspections

Interstate Surge Brake Exemption

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (USDOT/FMCSA) has issued a final rule amending Part 393, permitting the use of surge brakes in certain circumstances in interstate commerce.

A Surge Brake is defined in Section 393.5 as "A self-contained, permanently closed hydraulic brake system for trailers that relies on inertial forces, developed in response to the braking action of the towing vehicle, applied to a hydraulic device mounted on or connected to the tongue of the trailer, to slow down or stop the towed vehicle."

Section 393.40 has been amended to specify that vehicles with surge brakes must have a service brake system that meets Sections 393.42, 48, 49, and 52.

Section 393.48(d) has been added to exempt surge brake vehicles from the provision that requires brakes to be operating at all times. In addition, it states that surge brakes are allowed on:

- Any trailer with a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. or less, when its GVWR does not exceed 1.75 times the GVWR of the towing vehicle; and
- Any trailer with a GVWR greater than 12,000 lbs., but less than 20,001 lbs., when it's GVWR does not exceed 1.25 times the GVWR of the towing vehicle.

The regulation states that the gross vehicle weight (GVW) of a trailer may be used instead of the GVWR to calculate compliance when the GVWR is unavailable. The regulation further specifies that the GVW must be used to calculate compliance when the trailer's GVW exceeds its GVWR.

Section 393.49 requires a vehicle to have a braking system so that one application valve when activated, causes all the service brakes on the vehicle or combination to operate. This section has been amended to exempt the following:

- Driveaway-towaway operations unless the brakes on such operations are designed to be operated by a single valve; and
- Trailers equipped with surge brakes that satisfy the conditions specified in Section 393.48(d).

Size and Weight

Amendments to Title 23

The U.S. Department of Transportation, Federal Highway Administration (USDOT/FHWA) has issued a final rule amending Title 23, Code of Federal Regulations (CFR), Part 658. These regulations govern the enforcement of commercial vehicle size and weight regulations. The states are required to follow these regulations to be eligible for federal road-building funding. SAFETEA-LU, the transportation reauthorization act signed into law in 2005, mandated the changes outlined below.

Size and Weight Continued

Drive-away saddlemount vehicle transporter combination

This vehicle is defined as "...a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the forward vehicle of the truck tractor in front of it. Such combinations may include up to one fullmount." The states are required to allow an overall length of 97' on these combinations, with a maximum of 3 saddlemounted vehicles. Section 257.719 will have to be updated, but officers should not take enforcement action unless the combination exceeds 97'.

Over-the-road bus

This vehicle is defined as "...a bus characterized by an elevated passenger deck located over a baggage compartment..." Over-the-road buses and any vehicle "which is regularly and exclusively used as an intrastate public agency transit passenger bus..." is exempt from all axle weight regulations on the Interstate system until October 1, 2009.

Nondivisible loads or vehicles

Title 23 has been amended to allow the states to treat the following vehicles as nondivisible loads for the purposes of overweight/size permits:

- Emergency response vehicles, including those loaded with salt, sand, chemicals or a combination thereof, with or without a plow or blade attached in front, and being used for the purpose of spreading the material on highways that are or may become slick or icy;
- Casks designed for the transport of spent nuclear materials; and
- Military vehicles transporting marked military equipment or material.

Overwidth permits

The states may issue overwidth permits to motor vehicles, including manufactured housing, that exceed 102" in width.

Auxiliary Power or Idle Reduction Technology

Title 23 now provides an additional 400 lbs. total in gross, axle, tandem, or bridge formula weight limits to a vehicle that "...utilizes an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling. To be eligible for this exception, the operator of the vehicle must be able to prove:

- By written certification, the weight of the unit; and
- By demonstration or certification, that the idle reduction technology is fully functional at all times.

The regulation requires that the certification be made available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed 400 lbs. or the weight certified, whichever is less. Again, state statute will need to be amended, but officers should honor this exemption immediately.

Reminder

Our name has changed to:

TRAFFIC SAFETY DIVISION